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11 Specially Appearing for Defendant
12 CHARMING SHOPPES, INC.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 SHAMEIKA MOODY, as an individual
and on behalf of others similarly situated,

18 Plaintiff,

19 vs.
20

21 CHARMING SHOPPES OF
DELAWARE, INC., a corporation; LANE
22 BRYANT, INC., a corporation;
CHARMING SHOPPES, INC., a
corporation, and DOES 1 through 20,
23 inclusive,

24 Defendants.
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Case No. C 07-06073 MHP

**[PROPOSED] ORDER GRANTING
DEFENDANT CHARMING SHOPPES,
INC.'S MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION**

Date: May 5, 2008
Time: 2:00 p.m.

[Fed. R. Civ. Proc. 12(b)(2)]

1 This matter came on for hearing on May 5, 2008 on Defendant Charming Shoppes, Inc.'s
 2 ("CSI") Motion to Dismiss for lack of personal jurisdiction pursuant to Federal Rule of Civil
 3 Procedure, Rule 12(b)(2). The Court has considered the moving, opposition and reply papers, the
 4 pleadings and records on file, and the oral argument of the parties at the hearing and hereby rules
 5 as follows:

6 IT IS ORDERED that Defendant CSI's Motion to Dismiss for lack of personal
 7 jurisdiction pursuant to Rule 12(b)(2) is hereby granted for the following reasons:

8 • This Court cannot constitutionally exercise general personal jurisdiction over CSI.
 9 CSI is incorporated and headquartered in the State of Pennsylvania. CSI has no operations,
 10 business or employees in the State of California. As an out-of-state entity with minimal
 11 connections to California, CSI does not have the "substantial" or "continuous and systematic"
 12 contacts with California necessary to establish general personal jurisdiction over it. Furthermore,
 13 CSI's parent-subsidary relationships with Defendants Lane Bryant and Charming Shoppes of
 14 Delaware, Inc. ("CSDI") are not sufficient to establish personal jurisdiction.

15 • This Court cannot exercise specific personal jurisdiction over CSI because, CSI
 16 has insufficient contacts with California. CSI does not directly conduct any business in California
 17 – let alone "purposefully avail" itself of the privileges of doing business in California. CSI also
 18 has not affirmatively engaged in any activities that are directed at California. In contrast to this
 19 Court's ruling finding specific personal jurisdiction as to Defendant CSDI, there is no evidence
 20 before this Court that CSI sent wage statements or paychecks into the State of California or paid
 21 payroll or other taxes to the State of California.

22 • This Court does not have the constitutional or statutory authority to adjudicate this
 23 action as to Defendant CSI, and therefore dismisses CSI as a defendant in this action.

24 IT IS SO ORDERED:

25
 26 Dated: _____, 2008

27 _____
 United States District Judge